IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Bail Appl..No. 5002 of 2007()

(CRIME NO.1151/07 OF ALUVA POLICE STATION)

PETITIONER: ACCUSED:

ANEESH @ UMMER, S/O.ASHRAF,
KOLLATU HOUSE, NEAR MANNAKKAL TEMPLE,
COMPANYPADY, THAIKKATTUKARA, ALUVA.

BY ADV. SRI.C.D.JOHNY

RESPONDENT: COMPLAINANT:

STATE REPRESENTED BY THE S.I OF POLICE,
ALUVA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. S.U. NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5002 of 2007

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Dated this the 16th day of August, 2007

ORDER

Application for regular bail. Petitioner is the 2nd accused. Altogether there are two accused persons. The accused persons face allegations, inter alia under Sec.379 IPC. The crux of the allegations is that the petitioner committed theft of a two wheeler and handed over the same to the first accused. The first accused was intercepted with the vehicle. Crime was registered. Investigation is in progress. The petitioner was arrested on 13.7.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He prays that the petitioner may now be enlarged on bail.

3. The learned Public Prosecutor opposes the application. The investigation is not complete yet. The first accused has many other cases against him. The petitioner is not shown to have been involved in other crimes. Investigation is at an early stage. In these circumstances, the petitioner may not be

enlarged on bail. The person from whose possession the vehicle was thieved has not been identified so far. The Investigators may be granted reasonable further time to complete the investigation, prays the learned Public Prosecutor.

4. Having considered all the relevant inputs, I am satisfied that there is merit in the opposition by the learned Public Prosecutor. Investigation is not yet complete. I am not persuaded to grant regular bail to the petitioner at this early stage. Investigators in a serious crime like this are certainly entitled to further time to complete the investigation.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court or the Sessions court for bail again at a later stage of the investigation not, at any rate, prior to 30/08/2007. The police shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj